



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1833/2019-DC/PMC

Mr. Ishfaq Ahmed Mirani Vs. Dr. Qurat Ul Aman Siddiqui & others

Professor Dr. Naqib Ullah Achakzai	Chairman
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Gynecology	

Present:

Mr. Ishfaq Ahmed Mirani	Complainant
Dr. Qurat Ul Aman Siddiqui (25734-S)	Respondent No.1
Dr. Raman Kumar (3849-B)	Respondent No. 3
Dr. Samina Shamim (236-B)	Respondent No. 5
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND

1. Mr. Ishfaq Ahmed (the "Complainant") filed a Complaint on 12.03.2019 against Dr. Qurat Ul Aman Siddiqui, Dr. Farha, Dr. Raman Kumar, Dr. Khair un Nisa, Dr. Samina Shamim, Dr. Mehwish, Dr. Irum Dr. Junaid Abbas (respective Respondents), working at Liaquat National Hospital, Karachi (the "Hospital") regarding their professional negligence. Brief facts of the complaint are that:

- a. *Wife of the Complainant (the "Patient") was pregnant and her expected date of delivery (EDD) was in December 2018. On 15.11.2018, I took patient for routine checkup at the Hospital, where Dr. Qurat Iman told that the baby in womb is alright and all reports are ok. She advised to go home after administration of injection from labour room.*
- b. *However, the staff forcibly admitted patient for operation and did not inform Respondent Dr. Qurat Iman. I discussed the whole matter with Respondent Dr. Junaid from PLA, who advised to go ahead for operation. The Complainant has alleged that it was a normal delivery case but the Respondents conducted operation of patient in greed of money. After operation, a normal baby boy was born.*
- c. *Post birth of normal baby, I requested to receive the baby to which the staff made me wait for two hours. Later, the nursery staff advised me to take the child next morning. I refused this and asked them to handover child but they forcibly retained the baby and negligently treated him only to make money.*
- d. *On 16.11.2018, they gave a letter to my brother wherein they advised MRI & Echo of the baby, intending to increase their bill/payment.*
- e. *The complainant further submitted that on 17.11.2018 when he visited the child in the morning his color was black, and he was bleeding from nose. The staff told me that condition of child is critical. Later on, the same day the child died due to criminal negligence of the respondents.*

II. NOTICE TO RESPONDENTS

2. In view of the allegations leveled in the Complaint, separate Notices dated 16.07.2019 were issued to the Respondents No. 01-08, directing them to submit comments, record of the patient along with the copy of their registration certificates.

III. REPLY TO SHOW CAUSE NOTICE BY RESPONDENT, DR. QURAT AMAN

3. Respondent, Dr. Qurat Aman submitted her reply on 06.08.2019, through Administration of the Hospital, wherein she stated that:
 - a. *That, the patient, Gravida 4 Para 3+0, previous 3 caesarian section and known case of diabetes mellitus since 4 years came to Gynae OPD on 15.11.2018 and was advised admission in OPD and Labour Room, which was delayed due to time taken by the Complainant (husband of the patient). The patient had previous three caesarean sections; therefore, the fourth caesarean was the management option. The patient was managed as per standard protocol. Respondent Dr. Irum Memon & Respondent Dr.*



Mehwish Mumtaz were part of the treating team and working under my supervision, hence, they are not replying individually.

- b. Post admission, patient was treated as per protocol in such like cases and in view of the management of patient, a baby boy was born through C-section.*
- c. I had visited the patient daily. On the first post operative day, I met patient's brother/ brother-in-law and counseled regarding the patient.*
- d. Patient had a smooth post-operative recovery and discharged home stable on 2nd post-operative day. The above information is being provided by reviewing patient's hospital record.*
- e. A case summary has been made after detailed review of the hospital record, in order to show, the medical facts of the case of the patient and being sent with my reply.*

IV. JOINT REPLY OF RESPONDENTS, DR. FARAH & DR. SAMINA

4. Respondent No. 2 and No. 5 jointly submitted their reply/comments on 06.08.2019, wherein they stated that:
 - a. That, baby of patient was admitted under care of Respondent No. 4, Dr. Khairunnisa Mukhtiar, Peds Consultant (not presently working at the Hospital) and Respondent No. 3, Dr. Raman Kumar, Peds Neurologist, while Respondent No. 2, Dr. Farah Shams was the member of the treating team, hence she is not replying individually.*
 - b. On admission, baby had poor activity, therefore, along with routine lab-workup. HIE marker and ultrasound skull was done. The baby's condition remained unstable and deteriorated within 24 hours despite full intensive care and treatment. The baby was taken on ventilator support on next day.*
 - c. Despite aggressive management, baby's condition deteriorated. Inotropic support was started and ventilator parameters were increased to maximum. Despite, baby went into bradycardia and did not revive after CPR.*
 - d. That Respondent No. 5, Prof. Dr. Samina Shamim, Head of Peds Medicine, was not directly involved in case management.*
 - e. A case summary is being submitted with this reply, duly signed by the undersigned as Head of Peds Medicine, in order to show the medical facts of the case of the patient and are being forwarded with this reply.*



V. JOINT REPLY OF RESPONDENTS, DR. SAMINA & DR. RAMAN KUMAR

5. Respondent No. 3 and No. 5 jointly submitted their reply/comments on 06.08.2019, wherein they stated that:

- a. *That, baby of the patient was admitted under care of Respondent No. 4, Dr. Khairunnisa Mukhtiar, Peads Consultant and Respondent No. 3, Dr. Raman Kumar, Pediatric Neurologist (presently not working at the Hospital). Respondent No. 4 just counseled the MRI findings to the attendants, in the absence of admitting consultant and was not directly involved in any of the decisions regarding the management of the patient.*
- b. *A case summary is being submitted with this reply, duly signed by the undersigned as Head of Peads Medicine, in order to show the medical facts of the case of Zeenat-un-Nisa, and I am certain that this will satisfy the allegations leveled in the said complaint.*

VI. REPLY OF RESPONDENT, DR. SYED JUNAID ABBAS

6. Respondent No. 8 submitted his reply on 16.08.2019, wherein he stated that:

- a. *That I am an Employee of PLACL in Medical Support Services, Medical Division and not the surgeon and/ or Consultant on gynecology and has absolutely nothing to do with the operation of the wife of complainant.*
- b. *That Mr. Ashfaq Ahmed Mirani contacted me on 15-11-2018 and informed that he had taken his wife to Liaquat National Hospital ("LNH") for Anti natal Checkup where doctors at LNH after examining his wife had decided to operate her to deliver the baby in emergency. I have only advised him about the governing rules and policy of PLACL for the employees having such situation for admission, operation in the hospitals. The cases of delivery (Normal or by Operation) are not covered under PLA rules and regulation as maternity allowance is given to its employee as per their entitlement on reimbursement basis subject to vetting of medical bills submitted to Chief Medical Officer (Copy of the PLA Policy Procedure Manual is attached here as Flag "A".)*
- c. *Further, I had not rendered any advice to Mr. Mirani regarding operation of his wife or even otherwise as stated in Para 3, of his complaint nor recommended operation. However, I have only informed him about the reimbursement procedure.*
- d. *I have acted strictly in accordance with my professional obligations and prevailing rules and regulations and cannot be blamed for any negligence on the part of other individuals as alleged by the complainant.*



e. *In view of the above, it is evident that my name in the complaint is falsely implicated and I vehemently deny any such allegation leveled against me without any rhyme or reason. The complainant must be put to strict proof of the allegation leveled against me. Without prejudice to the above, I always reserve the right of initiating legal action against defamation, malicious prosecution and bringing my credibility in disrepute by falsely implicating me in complaint.*

It is, therefore requested that my name should be struck off from the complaint and the same may be declared closed on my part.

VII. REJOINDER OF THE COMPLAINANT

7. Reply received from the Respondents was forwarded to Complainant through a letter dated 22.08.2019 for rejoinder. Thereafter, a reminder was also sent on 22.06.2020 to the Complainant for rejoinder.
8. The Complainant has submitted rejoinder with explanation on 14.04.2021, expressing his entire dis-satisfaction with the responses of the answering Respondents and has reiterated his stance of proceedings further in the instant Complaint, praying for effective justice.

VIII. HEARING

9. After completion of codal formalities the matter was fixed for hearing before the Disciplinary Committee on 26.10.2022. Notices dated 24.10.2022 were issued to the Complainant and Respondent doctors directing them to appear before the Disciplinary Committee on 26.10.2022.
10. On the date of hearing, the Complainant was present in person. Respondent Dr. Qurat Ul Aman, Dr. Raman Kumar and Dr. Samina also appeared before the Committee.

IX. EXPERT OPINION

11. A consultant gynecologist was appointed as expert to assist the Disciplinary Committee in this matter. The Expert opined as under:

(i) *“There seems to exist a communication gap between the attendant and the parents.*



- (ii) *Gynecology and Pediatric expert of the Committee observed no professional negligence at the hand of Respondent doctors.*
- (iii) *It is noted that the Complainant (Father of the new-born) was not available all the time, and thus the available attendant was rightly counselled. However, it is noted and advised that the parents of the child shall be counselled when a new-born is to shifted.”*

X. FINDINGS AND CONCLUSION

12. The Disciplinary Committee has perused the relevant record, submissions of the parties and the opinion of the expert in the instant Complaint. Complainant addressed that his wife (the “Patient”) was a booked patient of Dr. Qurat ul Eman, and was under her care for a period of six months. The Complainant contended that when he took the patient to the hospital in emergency, he was not appropriately responded by the Respondent Doctors, and was asked to submit the payment despite the hospital being on the panel list of PIA.
13. The Respondent doctors have articulated before us that the Apgar score was at 6, which should meet the standard score of 9 to 10. The patient was diabetic, and at the time of her admission, her fasting blood sugar level was 291mg/dl which symbolized that she was not taking any medicines.
14. We have gone through the entire record pertaining to this case and have heard the parties in detail. The expert for this case has opined that there does not seem to be any evidence or proof of negligence on the part of the Respondents in the treatment provided to the patient. We also observe that the Respondents acted appropriately while treating the patient and followed the accepted medical procedures and guidelines in such like cases.
15. It is, however, pertinent to observe here that there existed a communication gap between the parties and the present facts could have been handled much better if information was effectively shared among parties. In cases, where new-born is shifted to nursery care, the parents should be well counselled.



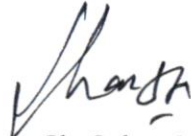
16. In light of the fore-going, the Disciplinary Committee finds no professional negligence on the part of the Respondent doctors. The Respondents are accordingly absolved of the allegations leveled by the Complainant.

17. The instant case is disposed of in the above terms.



Mr. Jawad Amin Khan

Member



Barrister Ch. Sultan Mansoor

Secretary



Professor Dr. Naqib Ullah Achakzai

Chairman

22nd November, 2022